

REPORT / RECOMMENDATION



To: Park Board

Agenda Item #: VI.B.

From: Susie Miller
Braemar Arena General Manager

Date: June 11, 2013

Subject: Braemar Arena Priority Use Policy

Action ☐

Discussion ☒

Information ☐

Action Requested:

Review and comment on the proposed Priority Access Agreement for Braemar Arena.

Information / Background:

Braemar Arena has operated without a priority access agreement. Currently, Braemar Arena is the only facility that is utilized by youth athletic associations that operates without a user priority access agreement.

Braemar Arena has been the home to the Braemar City of Lakes Figure Skating Club (BCLFSC) and the Edina Hockey Association (EHA) since opening in 1967. Over the years programs and demand for ice has grown and the demand for prime season ice has also consistently been stretched. Braemar Arena is currently meeting nearly 100% of ice needs for BCLFSC, but only 50% of the ice needs for the EHA. There are currently 1323 EHA athletes, 100% of which are Edina residents and 128 BCLFSC athletes, of which 40% are Edina residents.

As part of the priority access process, staff would like to review the assignment of hours to the EHA and BCLFSC. This would provide a more equitable distribution of ice related to the number of program participants. For example, the average Edina Hockey Player receives just over 1 hour per week at Braemar Arena, and spends the other 3-4 hours per week at other arenas around the metro area. The average figure skater receives nearly 4 hours per week. The Edina Hockey Association travels throughout the metro area for scheduled ice, while BCLFSC skaters have all of their ice time at Braemar Arena.

Recommended Braemar Arena Priority Access

Priority #1 – All city sponsored activities, programs, classes and open skate times. Reservations for city functions may be taken at any time for any date. City functions may pre-empt lower priority reservations at the discretion of the Parks & Recreation Director. There will be no rental fees charged for city reservations.

Priority #2 – Edina High School Boys and Girls Hornets Hockey Team.

Priority #3 – Recognized Edina Youth Athletic Associations.

Priority #4 – Recognized adult leagues that have consecutively rented ice from the City of Edina on good terms will have priority over late night reservations.

Priority #5 – New Non-Recognized Resident or Non-Resident Hockey and/or Figure Skating programs will be allowed rental if there is availability after the above mentioned groups have submitted their request to Braemar Arena. It will be on a first-come, first-serve basis.

Current:

EHA program received 1983 schedule hours or 1.49 hours per participant per prime season.

BCLFSC program receives 676 scheduled hours or 5.28 hours per participant per prime season.

Proposed:

EHA (1323 members) program receives 2370 schedule hours or 1.79 hours per participant per prime season.

BCLFSC (128 members) program receives 229 scheduled hours or 1.79 hours per participant per prime.

In addition, Braemar staff would work with BCLFSC to secure ice at other facilities currently used by EHA.

Determining a recognized Edina youth athletic association has been previously set at 90% and then adjusted to 60% for the Edina Swim Club. Currently, BCLFSC is at 40%. Even though BCLFSC does not meet residency requirement, the BCLFSC is an important part of Braemar Arena and the City of Edina. Therefore, Braemar Arena will still schedule BCLFSC in a manner that is equitable for all users of Braemar Arena by utilizing a per participant ratio based on numbers of program participants.

PRIORITY USE OF BRAEMAR ARENA

PURPOSE AND INTENT

The main purpose of this document is to prioritize scheduled access use of the Braemar Arena facility's available rental times and adjoining space. This document outlines both mandatory and suggested guidelines for youth athletic associations to ensure that program offerings are mindful of the public's health, safety and welfare and are fair and equitable to all residents. This document also includes the "Youth Sports Core Values and Community Strategy" proposed by the Edina Youth Sports Taskforce and Edina Park Board and was approved by the City Council on August 1, 2006.

It is the City of Edina's view that the public is best served when there is only one independently incorporated youth athletic association per sport. The City of Edina reserves the right to charge differing facility use fees with intent to discourage formation of new youth athletic associations that compete with existing youth athletic associations and creates a duplication of services, which the City of Edina views as not in the public's best interest. Further, the City of Edina will not provide any administrative or professional recreation staff liaison staff assistance to competing youth athletic associations that are determined to be duplication of service and not in the public's best interest.

The City of Edina encourages youth athletic associations to provide programs in a manner that is in keeping with the Edina Park Board's philosophy.

RECOGNIZED INDEPENDENTLY INCORPORATED ASSOCIATION

To qualify and be identified as an Edina youth athletic association, the organization must meet the residency requirement of 90%. Exceptions to this policy are for the sports of swimming and figure skating, which must meet a residency requirement of 60%.

The City of Edina recognizes the Edina Hockey Association (EHA) as the independently incorporated youth athletic association for the sport of hockey in Edina.

PRIORITY ACCESS

Due to the number of organizations that request usage of the Braemar Arena, it is necessary to define and classify users by type of activities and establish a reservation priority to ensure that Braemar Arena is made available to best meet community needs. As a result, Braemar Arena will be scheduled in accordance with a scheduling priority policy as established herein. Organizations must meet the mandatory guidelines as outlined in the Relationship Document (appendix #I) and abide by the "Resolution of Youth Sports Core Values and Community Strategy" (appendix #II).

Priority #1 – All city sponsored activities, programs, classes and open skate times. Reservations for city functions may be taken at any time for any date. City functions may pre-empt lower priority reservations at the discretion of the Parks & Recreation Director. There will be no rental fees charged for city reservations.

Priority #2 – Edina High School Boys and Girls Hornets Hockey Team.

Priority #3 – Recognized Edina Youth Associations.

Priority #4 – Recognized adult leagues that have consecutively rented ice from the City of Edina on good terms will have priority over late night reservations.

Priority #5 – New Non-Recognized Resident or Non-Resident Hockey and/or Figure Skating programs will be allowed rental if there is availability after the above mentioned groups have submitted their request to Braemar Arena. It will be on a first-come, first-serve basis.

Braemar Arena reserves the right to restrict priority access of all groups when the ice is needed for a large event such as tournaments, show or competition. Braemar Arena staff will notify users as soon as possible.

MANDATED GUIDELINES

Recognized associations must follow these guidelines:

1. Priority access to ice will be scheduled upon request submitted by January 1 for the prime season and July 1 for the non-prime season.
2. 90% Edina residents for all sports except swimming and figure skating which must be 60% Edina residents. Edina youth residents are defined as individuals 18 years old and under who live in Edina or go to school in Edina.
3. Recognized associations must maintain status as a nonprofit corporation in accordance with Minnesota law.
4. Recognized associations must file a financial statement with the city each year that will be made public upon request. This statement must indicate revenue, expenditures and fund balances.
5. Recognized associations must be open to all Edina residents and may not discriminate based on race, ethnic background, religion, or ability; however, recognized associations may make team assignments based on ability, and may condition team eligibility on each youth skater's demonstrated ability.
6. All board meetings are open to the public (with the exception of personnel issues and litigation).
7. Recognized associations must have an open process for parents to discuss concerns or recommend changes to the organization.
8. Recognized associations must abide by the City of Edina "Relationship Document" (Appendix I) and "The Youth Sports Core Values and Community Strategy" document (Appendix II)

FACILITY USER FEE

The City of Edina reserves the right to charge a rental rate for recognized association's privatized use of Braemar Arena. The rate shall be established by the City Council prior to January 1 of the upcoming year. The rate is subject to change each year at the discretion of the Edina City Council.

ADMINISTRATIVE PROCEDURES

1. Recognized associations must submit a facility use request prior to January 1 for the prime season, and July 1 for the non-prime season to secure desired rental hours of Braemar Arena.
2. For the prime season as of March 1, Braemar Arena will begin scheduling the remaining hours in a manner consistent with best business management practices to maximize revenues.
3. For the non-prime season as of August 1, the City of Edina will begin scheduling the remaining hours in a manner consistent with best business management practices to maximize revenues.
4. Fees for use of Braemar Arena will be subject to change each year at the discretion of the Edina City Council.
5. If recognized association fails to comply with the guidelines set forth above, or provides false information on a permit application, recognized associations are subject to revocation of its permit at the discretion of the Director of the Edina Parks & Recreation Department.
6. Recognized associations will not be allowed to sublease its reserved times and sections without prior city approval.

ADJACENT FACILITY USE

1. Braemar/Hornets Nest Facility Use fee will give recognized associations priority access to the adjacent facilities.
2. Recognized associations will receive priority access of adjacent space when scheduling 3 months prior to event. Braemar Arena reserves the right to restrict priority access to accommodate a special event.

EDINA PARK BOARD STATEMENT OF PHILOSOPHY AND RECOMMENDATIONS REGARDING USE OF ETHNIC, RELIGIOUS, OR RACIAL NAMES OR SYMBOLS:

The Edina Park Board recognizes and celebrates the diversity of our community. In doing so, the Edina Park Board encourages all youth athletic associations to respect our community's ethnic, religious and racial diversity by honoring the following guideline:

“That no program, event or activity offered by an Edina youth athletic association will use any ethnic, religious or racial names or symbols which may, in the opinion of those groups, create or perpetuate stereotypes which distort or degrade such groups. Programs whose express purpose is to explore and celebrate the positive special contribution of such groups should be considered acceptable and honorable”.

EDINA PARK BOARD STATEMENT OF PHILOSOPHY AND RECOMMENDATIONS
REGARDING DRUGS, ALCOHOL AND TOBACCO

It is the belief of the Edina Park Board that the role modeling of parents, guardians, teachers and coaches has a significant influence on youth attitudes toward the use of alcohol, tobacco and drugs. It is the Edina Park Board's philosophy to encourage parents and coaches to do their best to always display positive and healthy role modeling behaviors while interacting with youth.

Therefore, the Edina Park Board strongly encourages each Edina youth athletic association to take the following actions:

1. Establish a drug, tobacco and alcohol policy that reflects a zero tolerance approach to illicit drugs, tobacco and alcohol use by its youth participants.
2. Require that parents (and coaches) sign a statement that acknowledges that they have read and understand the association's current drug, tobacco and alcohol policy.
3. Include in the association drug, tobacco and alcohol policy the following statement that:
 - Coaches and parents are strongly encouraged to not consume alcohol or tobacco while interacting with youth while on traveling team trips (examples include while traveling together on a bus, socializing in a hospitality room, etc.)
 - For those adults who insist on bringing alcohol and/or tobacco on team trips, it is strongly encouraged to make every attempt to keep the alcohol and/or tobacco out of reach and out of sight of the youth at all times.

Action number three (#3) is not to be considered as an enforceable policy, but rather, a strongly encouraged positive role model behavior. The Edina Park Board strongly encourages each youth athletic association to take this very seriously and do their part to help develop positive and healthy attitudes in our youth with regards to drugs, tobacco and alcohol.

Your youth athletic programs provide important assets in youth's lives, which result in reductions in at-risk behaviors. The Edina Park Board applauds and appreciates your efforts to build these positive assets that develop healthy kids and a healthy community.

APPENDIX I.

YOUTH ATHLETIC ASSOCIATIONS' RELATIONSHIP WITH THE EDINA PARK BOARD AND THE PARK AND RECREATION STAFF

RELATIONSHIP DOCUMENT

Revised 6/6/13

The mission of the Edina Parks & Recreation Department is to do our part in further developing, preserving, and maintaining the City of Edina's parks, recreation programs, and resources as a premier and comprehensive park and recreation department in the Twin Cities area.

This relationship document between the Edina Parks & Recreation Department, Park Board and with each association establishes a common set of guidelines that are to be adopted by all athletic associations. The intent of these guidelines is to ensure that associations are mindful of the public's desire for positive and healthy athletic experiences for children and families in our community.

The "Youth Sports Core Values and Community Strategy," established by the Edina Park Board in cooperation with the Edina Parks & Recreation Department, is to be adopted by all associations. This document formally defines the city's core values and philosophy in the delivery of the community's youth sports programs.

1. Edina Parks & Recreation Department will provide facilities and fields for boys and girls at each age group within the association.
2. It is the City of Edina's view that the public is best served when there is only one independently incorporated youth athletic association per sport. The City of Edina also understands and supports that in some cases the public and volunteers are best served by having the traveling component of a particular sport administered by its own independent youth athletic association.
3. The Edina Parks & Recreation Department in cooperation with the Park Board will help each association plan, and provide safe and well maintained public athletic facilities to meet the youth sports programs, and give professional staff liaison services regarding the operation of their association, and offer appropriate clerical and administrative support services.
4. The Edina Parks & Recreation Department shall act as a liaison between the associations and the Edina Park Board to assist associations in providing a well-rounded and equitable program for all participants.

The Edina Park Board expects that all associations follow these minimal guidelines in the operation of their association:

1. All boys and girls have a fun, positive, safe, age-appropriate, educational experience that is open to all residents of all abilities, and receive equal opportunity to participate at whatever ability level they may play.

2. Boys and girls build good sportsmanship and character; learn to be a team member; learn to accept discipline; incorporate psychological and physical health.
3. Boys and girls, at each level of play, will receive basic fundamental and skill training in the sport in which they participate.
4. Associations manage team schedules and provide equitable playing time for each level of competition within the age group.
5. Associations shall have a common code of conduct for players, coaches and parents.
6. Qualified citizen volunteers should serve in positions as Board of Directors. Board of Directors must have knowledge of the program/sport. Associations are encouraged to have open member elections to elect Board of Directors.
7. Edina Parks & Recreation Department personnel shall attend at least semi-annually association board meetings. Department personnel shall be available and provide resource help to associations in training of coaches, operations, and other functions with which the association needs assistance.
8. The Parks & Recreation Department mandates background checks on all individuals 18 and older who serve as a coach, referee, or on the Board of Directors in any association. It is our intent to protect our children, families and the associations. It is strongly recommended that Edina youth athletic associations work jointly to contract with one private organization to conduct the background checks and manage the data. The Parks & Recreation Department mandates that each Edina youth athletic association use the following standard for any coach, referee or Board of Director applicant who has been found guilty, pled guilty, or entered a plea of nolo contendere (no contest), regardless of the adjudication for any of the disqualifying offenses:

All Sex Offenses – regardless of the amount of time since the offense (Examples: child molestation, rape, sexual assault, sexual battery, sodomy, indecent exposure, etc.)

All Felony Violence – regardless of the amount time since the offense (Examples: murder, manslaughter, aggravated assault, kidnapping, robbery, etc.)

All Felony Offenses – other than violence or sex within the past 10 years (Examples: drug offenses, theft, embezzlement, fraud, child endangerment, etc.)

All Misdemeanor Violence Offenses – within the past 7 years (Examples: simple assault, battery, domestic violence, hit & run, etc.)

All Misdemeanor Drug & Alcohol Offenses – within the past 5 years or multiple offenses in the past 10 years (Examples: driving under the influence, simple drug possession, drunk and

disorderly, possession of drug paraphernalia, etc.)

Any other Misdemeanor Offenses – within the past 5 years that would be considered a potential danger to children or is directly related to the functions of that volunteer (Examples: contributing to a minor, theft – if person is handling monies, etc.)

9. To ensure that the public has an open, fair and just process to handle grievances that are not resolved at the association board or staff level, the City of Edina will facilitate a grievance process. (See below) This grievance process is not intended to deal with team assignment, coach assignment or tryout process grievances.
10. The City of Edina requires that each and every athletic association have a minimum \$1,000,000 general liability insurance coverage policy that lists the City of Edina as an additional insured. In addition, each and every athletic association must also carry workers compensation insurance for any paid employees of their association. Up to date proof of insurance must be provided to the Edina Parks & Recreation Department for each and every association that uses Edina's public athletic facilities. This insurance shall provide for the general liability protection of volunteers, associations, and the City of Edina.
11. The Edina Park Board and the Parks & Recreation Department shall provide and review annually guidelines to be followed by all associations and users of facilities and gymnasiums in our community as to the priority use of the Edina School District's gymnasiums and facilities, and the Edina community practice and game facilities. This is to assure a fair allocation of gymnasiums and facilities use for all participants, at all levels.

It is imperative that all associations, coaches, board members, volunteers and parents understand and appreciate the positive experience that is desired for all participants in Edina youth sports. Therefore, it is the expectation of the Edina Parks & Recreation Department and Park Board that youth athletic associations do their best to encourage all new parents, volunteers, coaches, board members, etc., who participate in associations to read and understand the relationship agreement and Youth Sports Core Values and Community Strategy. The Relationship Document and Core Values and Community Strategy Document must be provided to all new parents as part of their registration materials.

GRIEVANCE PROCESS

The City of Edina demands that each youth athletic association must have in place a well-documented and publicized grievance process by which residents are assured of an appropriate venue and process to hear their grievances in a manner that is open, fair, and just. If the youth athletic association board grievance process does not resolve the issue, then the matter will be referred to Parks & Recreation Department staff. If staff is unable to resolve the issue, the matter should then be referred to the Ad-Hoc Grievance Committee.

The Ad-Hoc Grievance Committee will be made up of three association presidents who are not president of the association in question, plus two Park Board members. Those five individuals will hear the complaint and make recommendations to solve the grievance matter. If the Ad-Hoc Grievance Committee's recommendations do not satisfy the parties involved then the grievance will be referred to the Park Board for a final decision.

The Ad-Hoc Grievance Committee will be formed only on an as needed basis to deal with issues on a case by case basis.

The following escalation shall be followed:

Step #1:

Follow the written grievance procedure as established and publicized for each youth athletic association.

Step #2:

If, in the complainant's view, the issue was not resolved in Step #1, then the complainant should contact Parks & Recreation Department staff, who will do the following:

- Evaluate the complaint.
- Determine and judge whether or not the issue can or should be resolved through diplomacy. If so, staff will facilitate a problem-solving process at the staff level with the appropriate community members and volunteers involved.

Step #3:

If the issue is unresolved at the staff level, then staff will assemble the Ad-Hoc Grievance Committee to hear the complaint. With staff assistance and input from the parties involved, the Ad-Hoc Grievance Committee will hear the complaint and make recommendations. It will be the Ad-Hoc Grievance Committee's duty to determine whether or not the association has acted in a manner that is contrary to the city's philosophy and core values; and if so, make recommendations to correct the situation. It will not be the Ad-Hoc Grievance Committee's duty to micro-manage program decisions of Edina's youth athletic associations.

Step #4:

If the parties involved are still not satisfied with the Ad-Hoc Grievance Committee's recommendations, the final step is to refer the matter to the Park Board for a final decision. Both parties must abide by the Park Board's decision or they could face sanctions.

Appendix 1.2

DEFINITION OF EDINA YOUTH ATHLETIC ASSOCIATIONS:

To qualify and be identified as an Edina youth athletic association, the organization must meet the following requirements:

1. 90% Edina residents for all youth athletic associations, except Edina Swim Club and Braemar City of Lakes Figure Skating Club which must have a minimum 60% Edina resident ratio. Edina youth residents are defined as individuals 18 years old and under who live in Edina or who go to school in Edina.
2. The association or club must maintain its status as a nonprofit corporation in accordance with Minnesota law.

3. The association or club must file a financial statement with the City each year that will be made public upon request. This statement must indicate revenue, expenditures and fund balances.
4. Association and club are open to all Edina residents and may not discriminate based on race, ethnic background, religion, or ability; however, may make team assignments based on ability.
5. All board meetings are open to the public (with the exception of personnel issues and litigation).
6. The organization must have an open and written process for parents to discuss concerns or recommend changes to the organization.
7. Teams are playing during the designated “primary season”.
8. The organization must adopt the City of Edina relationship agreement and core values statement.

Youth athletic teams (18 and under) that are currently recognized by the City of Edina as an official Edina youth athletic association:

- Edina Baseball Association
- Edina Basketball Association
- Edina Girls Athletic Association (flag football, basketball and volleyball)
- Edina Hockey Association
- Edina Soccer Association
- Edina Soccer Club
- Edina Football Association
- Edina Boys Flag Football Association
- Edina Youth Softball Association
- Edina Girls Fastpitch Association
- Edina Lacrosse Association
- Edina Swim Club
- Edina Volleyball Association

APPENDIX II.

Resolution of Youth Sports Core Values and Community Strategy

WHEREAS, the City of Edina believes in the benefits and attraction of youth sports as a means to teach the children of this community values and skills that will be of benefit to them throughout life; and

WHEREAS, we believe that Edina's youth athletic associations develop fundamental internal and external assets for children by providing opportunities to develop positive character traits and life values where children can learn a multitude of important lessons and valuable fundamentals, such as ethics, abiding by the rules, winning and losing with grace, coping with success and failure, always trying to do your best, respecting authority figures, learning about team work, developing fundamental motor skills and sports specific knowledge; and

WHEREAS, we believe that the most important underlying mission for every youth athletic association is to develop emotionally, psychologically, mentally, intellectually, socially, and physically healthy children; and

WHEREAS, we believe that youth sports programs conducted under the right conditions are enormously beneficial for children; and

WHEREAS, we recognize the need to ensure that Edina's youth athletic association programs provide athletic programs that are safe, positive, fun, physically and psychologically age-appropriate, educational, teaches values and ethics, strengthens the community, promotes competition without conflict, open to all residents of all abilities, offer a reasonable number of events, and are administered by qualified volunteers; and

WHEREAS, we believe that youth sports association league organizers and administrators must be educated on how to provide a safe, positive, and fun youth sports environment before being granted access to public facilities; and

WHEREAS, we believe volunteer coaches and parents must receive orientation and education as to the individual roles and responsibilities in our community's effort to raise the standards of youth sports programs and that volunteer coaches and parents be held accountable for their behaviors; and

WHEREAS, we believe it is necessary and desirable to establish guidelines, requirements and standards for youth sports associations utilizing public facilities; and

WHEREAS, we recognize the need to ensure that Edina's youth athletic associations form and advertise a formal grievance process by which residents are assured of an appropriate venue and process to hear their grievances in a manner that is open, fair, and just; and

WHEREAS, we believe that a Youth Sports Advisory Committee should be formed to advise staff and

the Park Board and serve as a sounding board for grievances.

NOW, THEREFORE BE IT RESOLVED by the City of Edina in a meeting duly assembled and by the authority thereof, recognize and encourage official implementation of this Community Strategy to improve the culture of youth sports for all participants.

PASSED AND APPROVED THIS _____ day of _____ 2006.

Signed: _____

Mayor of Edina